

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 8. ACUPUNCTURE BOARD OF EXAMINERS

Title 4, Chapter 8 adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

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ARTICLE 1. GENERAL PROVISIONS

R4-8-101. Definitions

For purposes of this Chapter:

1. "ACAOM" means the Accreditation Commission for Acupuncture and Oriental Medicine.
2. "Acupuncturist" means a person licensed or certified by the Board to practice acupuncture in the State of Arizona.
3. "Administrative completeness review" means the Board's process for determining that a person has provided all of the information and documents required by this Chapter for an application.
4. "Applicant" means a person requesting a certificate or license from the Board.
5. "Application packet" means the fees, forms, documents, and additional information the Board requires to be submitted by an applicant or on an applicant's behalf.
6. "Clean needle technique" means a manner of needle sterilization and use that avoids the spread of disease and infection, protects the public and the patient, and complies with state and federal law, regulation, and rule.
7. "Course" means a systematic learning experience, at least 1 hour in length, that assists a participant to acquire knowledge, skills, and information relevant to the practice of acupuncture.
8. "Day" means calendar day.
9. "Hour" means at least 50 minutes of course participation.
10. "NADA" means the National Acupuncture Detoxification Association.
11. "NCCAOM" means the National Commission for the Certification of Acupuncture and Oriental Medicine.
12. "Successful completion of a clean needle technique course" means a course participant has:
 - a. Attended the course, and
 - b. Received a passing score on an examination or other confirmation from the course provider that evidences that the participant mastered the course content.

13. "Supervisor" means an acupuncturist licensed by the Board who is responsible for the oversight and direction of an acupuncture student.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-102. Certification of Documentation; Translation; Verification

- A. An applicant shall ensure that a document submitted to the Board from the applicant or any program has an official or government seal or written verification authenticating the document. The Board in its discretion may waive this requirement if the Board determines that an applicant cannot obtain the seal or verification through the exercise of due diligence.
- B. An applicant shall ensure that official copies of diplomas, transcripts, licenses or certificates, examination scores, and other documents required for application are forwarded directly to the Board by the issuing entity.
- C. An applicant shall ensure that a document submitted in a language other than English is accompanied by an original English translation, performed by a qualified translator. The translation must be accompanied by an Affidavit of Accuracy in which the translator who performed or verified the translation affirms that the entire document has been translated, that nothing has been omitted or added, and that the translation is true and correct. An original translation will be returned to the applicant only if a photocopy of the entire translation, including the Affidavit of Accuracy, is provided. The Board shall not accept a translation by the applicant.
- D. The following persons are regarded as qualified translators:
 1. An officer or employee of an official translation bureau or governmental agency.
 2. A professor or instructor who teaches the translated language in an accredited college or university in the United States. The Affidavit of Accuracy shall include the name of the course taught, be on the official letterhead of the school, and be notarized.
 3. An American consul in the country where the translated document was issued. If a private translator translated the document, the American consul shall verify both the contents of the translation and the identity of the translator.
 4. A consul general or diplomatic representative accredited in the United States, or other representative of a foreign government agency. The representative shall verify the contents of a translation performed by a private individual.
- E. All written verifications of statements or documents submitted by or on behalf of an applicant shall be under oath and made under penalty of perjury.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-103. Filing of Address and Telephone Number

A person holding a license or certificate or any other authority issued under this Chapter shall file the person's current mailing address, residential telephone number, and business telephone number with the Board, and shall notify the Board, in writing, within 20 days of any change of mailing address (giving both the old and the new address), or residential or business telephone numbers.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-104. Board Meetings

- A. The Board shall conduct its annual meeting in January.
- B. The Board shall provide public notice of the date, time, and place of its annual meeting at least 20 days before the meeting.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-105. Time-frames for Licensure, Certification, and Approval

- A. The overall time-frame described in A.R.S. § 41-1072(2) for each type of license, certificate, and approval granted by the Board is listed in Table 1. An applicant and the Executive Director of the Board may agree in writing to extend the overall time-frame. The overall time-frame and the substantive time-frame may not be extended by more than 25% of the overall time-frame.
- B. The administrative completeness review time-frame begins:
 1. For approval or denial of an acupuncture license by grandfathered rights, when the Board receives an application packet;
 2. For approval or denial of an application for licensure or other certification, when the Board receives an application packet; and
 3. For approval or denial of an application for approval of a training program, clean needle course, or continuing education course, when the Board receives a request for approval.
- C. If a time-frame's last day falls on a Saturday, Sunday or official state holiday, the next business day is the time-frame's last day.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

Acupuncture Board of Examiners

Table 1. Time-frames (in days)

Type of Applicant	Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Acupuncture License by Grandfathered Rights	Approval for Licensure	Laws 1998, Ch. 239, § 3	60	20	40
Acupuncture License	Approval for Licensure	A.R.S. § 32-3924	60	20	40
Visiting Professor Certificate	Approval for Certification	A.R.S. § 32-3926	60	20	40
Auricular Acupuncture Certificate	Approval for Certification	A.R.S. § 32-3922	60	20	40
Auricular Acupuncture Training Program	Approval of training program	A.R.S. § 32-3922	60	20	40
Program of Acupuncture	Approval of training program	A.R.S. § 32-3924(2)	60	20	40
Clinical Training Program	Approval of training program	A.R.S. § 32-3924(2)	60	20	40
Clean Needle Technique Course	Approval of course	A.R.S. § 32-3924	60	20	40
Continuing education program	Approval for Continuing Education	A.R.S. § 32-3925	90	40	50
Exemption from continuing education	Approval of exemption	A.R.S. § 32-3925	30	10	20
License or certificate renewal	Approval of renewal	A.R.S. § 32-3925	60	20	40
License or certificate reinstatement	Approval of reinstatement of license	A.R.S. § 32-3925(D)	60	20	40

Historical Note

New Table adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8 106. Completion of Applications; Nonrefundable Fees

- A.** An application is administratively complete when the Board receives all documents required for licensure or certification.
- B.** Application fees are nonrefundable except as required by A.R.S. § 41-1077.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

ARTICLE 2. LICENSING AND CERTIFICATION PROVISIONS**R4-8-201. Application for Auricular Acupuncture Certificate**

To be certified as an auricular acupuncturist to provide auricular acupuncture services in alcoholism, substance abuse, and chemical dependency programs, an applicant shall submit an application packet to the Board that includes:

1. An application, on a form provided by the Board, that provides the following information about the applicant:
 - a. Name, date of birth, and social security number;
 - b. Home and business addresses and telephone numbers;

- c. Whether the applicant has ever been permitted by law to practice acupuncture in another state, territory, or district of the United States, or any other country or subdivision of any country, and if so, a list of the jurisdictions in which the applicant has been permitted by law to practice acupuncture, license numbers, issuance dates, expiration dates, license limitations, current status, and whether the licenses were granted by endorsement, examination, or another means;
- d. Whether the applicant has ever had a licensing authority of any other state, district, or territory of the United States, or any other country or subdivision of any country, deny the applicant a license or certificate to practice acupuncture, or revoke, suspend, limit, restrict, or take any other action regarding the applicant's license or certificate to practice acupuncture, and if so, an explanation;
- e. Whether the applicant has ever been convicted of a crime, including driving under the influence of drugs or alcohol, other than a minor traffic offense, and if so, an explanation;

- f. Whether the applicant has ever had a claim for malpractice or a lawsuit filed against the applicant alleging professional malpractice or negligence in the practice of acupuncture, and if so, an explanation;
 - g. Whether the applicant has any condition that may impair the applicant's ability to practice acupuncture safely and skillfully;
 - h. Whether the applicant has ever resigned, voluntarily or involuntarily, from a health-care facility while under investigation or had a health-care facility terminate, restrict, or take any other action regarding the applicant's employment, professional training, or privileges; and
 - i. A signed verification that the facts in the application are accurate, true, and complete;
2. The application and initial licensing fees prescribed by the Board. If the Board denies licensure, the initial licensing fee shall be refunded; and
 3. Documentation of successfully completing a Board-approved training program in auricular acupuncture for the treatment of alcoholism, substance abuse, or chemical dependency and a Board-approved clean needle technique course.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-202. Approval of Substance Abuse and Chemical Dependency Programs for the Practice of Auricular Acupuncture

- A. An auricular acupuncture certificate holder shall provide acupuncture services only in alcoholism, substance abuse, and chemical dependency programs approved by the Board, the State of Arizona, or the federal government, and only under the supervision of a person licensed to practice acupuncture in Arizona.
- B. For purposes of this Section, the Board approves an alcoholism, substance abuse, and chemical dependency program that provides services and is licensed by the Arizona Department of Health Services as a behavioral health agency under A.R.S. Title 36, Chapter 4.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-203. Application for Acupuncture License

To be licensed to practice acupuncture, an applicant shall submit an application packet to the Board that includes:

1. An application, on a form provided by the Board, that provides the following information about the applicant:
 - a. Name, date of birth, and social security number;
 - b. Home and business addresses and telephone numbers;
 - c. Whether the applicant has ever been permitted by law to practice acupuncture in another state, territory, or district of the United States, or any other country or subdivision of a country, and if so, a list of the jurisdictions in which the applicant has been permitted by law to practice acupuncture, license numbers, issuance dates, expiration dates, license limitations, current status, and whether the licenses were granted by endorsement, examination, or another means;
 - d. Whether the applicant is certified by the NCCAOM, and if so, whether the certification is active and current, and the dates of issuance and expiration;

- e. Whether the applicant is certified by another certifying body, and if so, the name and address of the certifying body, and the dates of issuance and expiration of the certification;
 - f. Whether the applicant has passed a certifying or licensing examination in acupuncture, and if so, the name and address of the organization administering the examination;
 - g. Whether the applicant has completed an acupuncture program accredited within the United States, or any other country or subdivision of any country, and if so, the date of completion of the program;
 - h. Whether the applicant has completed a minimum of 1850 hours of training in acupuncture that includes at least 800 hours of clinical training, and if so, the names and addresses of the schools attended, dates of attendance, and the diploma or degree obtained;
 - i. Whether the applicant has ever had a licensing authority of any other state, district, or territory of the United States or any other country or subdivision of any country, deny the applicant a license or certificate to practice acupuncture, or revoke, suspend, limit, restrict, or take any other action regarding the applicant's license or certificate to practice acupuncture, and if so, an explanation;
 - j. Whether the applicant has ever been convicted of a crime, including driving under the influence of drugs or alcohol, other than a minor traffic offense, and if so, an explanation;
 - k. Whether the applicant has ever had a claim for malpractice or a lawsuit filed against the applicant alleging professional malpractice or negligence in the practice of acupuncture, and if so, an explanation;
 - l. Whether the applicant has any condition that may impair the applicant's ability to practice acupuncture safely and skillfully;
 - m. Whether the applicant has ever resigned, voluntarily or involuntarily, from a health-care facility while under investigation or had a health-care facility terminate, restrict, or take any other action regarding the applicant's employment, professional training, or privileges; and
 - n. A signed verification that the facts in the application are accurate, true, and complete;
2. One of the following:
 - a. Transcript that shows evidence of graduation from or completed training from an approved acupuncture program and includes a list of the courses studied and clinical training received, grades or scores for each course and clinical training, and the name and address of the approved program;
 - b. Documentation of certification from the NCCAOM, its successor, or another certifying body recognized by the Board; or
 - c. Documentation that the applicant has been permitted by law to practice acupuncture in another state, district, or territory of the United States, or another country or subdivision of a country with standards substantially similar to those in this Chapter and that the applicant's license has not been revoked;
 3. Documentation of successfully completing a clean needle technique course approved by the Board;
 4. A photograph of the applicant no larger than 2 x 2 inches taken during the preceding 12 months; and

5. The application and initial licensing fees prescribed by the Board. If the Board denies licensure, the initial licensing fee shall be refunded.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-204. Renewal of Licenses and Certificates

- A. All licenses and certificates expire 12 months from the date issued.
- B. A license or certificate holder shall submit renewal fees with a renewal application form, provided and mailed to the license or certificate holder by the Board, that furnishes up-to-date information concerning current practice status, location of practice, correct home and business mailing addresses, and telephone numbers on or before the date the license or certificate expires.
- C. To renew a license, a license holder shall submit an affidavit of continuing education attendance that meets the requirements of R4-8-205.
- D. A license or certificate holder who fails to renew on or before the date the license or certificate expires shall immediately cease and desist from engaging further in any practice under these rules and A.R.S. Title 32, Chapter 39 until the license or certificate is renewed.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-205. Continuing Education Requirement

- A. A license holder shall complete a minimum of 15 hours of Board-approved continuing education per year.
- B. With an application for license renewal, an acupuncturist shall submit a signed statement under penalty of perjury that indicates whether the acupuncturist has complied with the continuing education requirement.
- C. The Board, at its discretion, may audit a random sample of acupuncturists who report compliance with the continuing education requirement.
- D. An acupuncturist selected for audit shall submit documentation or records of continuing education course work completed.
- E. An acupuncturist shall retain for a minimum of 2 years records of all continuing education courses or programs completed which indicate the provider's name, title of the course or program, date and location of the course or program, and number of continuing education credits awarded.
- F. Instructors of approved continuing education courses may receive 1 hour of continuing education credit for each classroom hour taught, up to a maximum of 2 hours of continuing education credit per year. Participation as a member of a panel presentation for an approved course does not entitle the participant to earn continuing education credit as an instructor.
- G. An acupuncturist may use up to 4 hours of continuing education in acupuncture practice management or medical ethics per year to meet the continuing education requirement.
- H. A licensed acupuncturist may receive 10 hours of continuing education for each Article written on the practice of acupuncture or oriental medicine that is published in a peer-reviewed professional journal during the year for which the hours apply.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-206. Reinstatement of License

- A. To reinstate an expired license, the former license holder shall submit the required renewal application, renewal fee, any applicable late fees, and affidavit of continuing education attendance within 12 months from the date of expiration.
- B. If a license is expired for more than 12 months, the former license holder may reapply for licensure only by complying with this Article.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-207. Exemption from Continuing Education

- A. A licensed acupuncturist may submit to the Board a written request to be exempt from the annual continuing education requirement for any of the following reasons:
 1. Catastrophic illness or other serious disability; or
 2. Military service outside the United States longer than 6 months in duration.
- B. Exemption requests shall be submitted at least 30 days before the expiration of the license.
- C. If granted by the Board, an exemption is for the 1 renewal period only. An exemption may be applied for annually, if necessary.
- D. A denial of exemption may be appealed in accordance with A.R.S. Title 41, Chapter 6, Article 10.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-208. Application for Visiting Professor Certificate

- A. To be approved by the Board, an applicant for a visiting professor certificate shall submit to the Board:
 1. An application on a form provided by the Board that includes the information required in R4-8-201(1) and a signed verification that the facts in the application are accurate, true, and complete;
 2. The required fees;
 3. Written documentation of at least 5 years of experience in the practice of acupuncture; and
 4. Evidence of skill and training in the subject that the applicant will be teaching, including 1 of the following:
 - a. Written documentation from a college or university of experience, education, or other training in the subject the applicant will be teaching;
 - b. Written documentation of experience in teaching the same or similar subject matter content within the 2 years preceding the application; or
 - c. Written documentation of 1 year's experience within the last 2 years in the specialized area in which the applicant is teaching.
 5. A detailed plan outlining the duties of the visiting professor.
- B. The Board shall issue a visiting professor certificate to an applicant who complies with the requirements of this Section. An applicant who is denied a visiting professor certificate may request a hearing in accordance with A.R.S. Title 41, Chapter 6, Article 10.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-209. Repealed**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Section automatically repealed on January 31, 2001 (Supp. 02-3).

R4-8-210. Repealed**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Section automatically repealed on January 31, 2001 (Supp. 02-3).

ARTICLE 3. TRAINING PROGRAMS AND CONTINUING EDUCATION

R4-8-301. Auricular Acupuncture Training Program Approval

A. To receive Board approval, a training program in acupuncture for the treatment of alcoholism, substance abuse, or chemical dependency shall submit to the Board evidence that:

1. The program is conducted in accordance with the "NADA Registered Trainer Resource Manual", 1999, published by the National Acupuncture Detoxification Association, 3220 N Street NW #275, Washington, D.C. 20007, which is incorporated by reference and on file with the Board and the Secretary of State. This incorporation includes no later edition or amendment; and
2. The program is approved by the NADA, another board-approved national certifying entity for acupuncture, or another state.

B. A program that is denied approval may appeal by requesting a hearing under A.R.S. Title 41, Chapter 6, Article 10.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-302. Clean Needle Technique Course Approval

A. To be approved by the Board, a person who proposes to conduct a clean needle technique course shall submit to the Board evidence that the course is conducted in accordance with "Clean Needle Technique Manual for Acupuncturists", 4th Edition, 1997, published by the National Acupuncture Foundation, 1718 M. Street, Suite 195, Washington, D.C. 20036, which is incorporated by reference and on file with the Board and the Secretary of State. This incorporation includes no later edition or amendment.

B. A course that is denied approval may appeal by requesting a hearing under A.R.S. Title 41, Chapter 6, Article 10.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-303. Approval of Program of Acupuncture; Clinical Training

A. To obtain approval from the Board, an acupuncture program shall either:

1. Submit documentation that the acupuncture program is a candidate for accreditation or has accreditation through the ACAOM and provides a minimum of 1850 hours of training, including not less than 800 hours of clinical training; or
2. Submit documentation of compliance with R4-8-304.

B. To obtain approval from the Board, an acupuncture clinical training program shall either:

1. Submit documentation that the clinical training program is part of an acupuncture program that is a candidate for accreditation or has accreditation through the ACAOM,

or is itself a candidate for accreditation or has accreditation through ACAOM; or

2. Submit documentation of compliance with R4-8-304(B).

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-304. Program of Acupuncture Standards

A. The Board shall approve a program of acupuncture that does not meet the standard at R4-8-303(A)(1) only if the program is for a minimum of 3 years and provides the following course content and hours:

1. 690 hours in Oriental medical theory, diagnosis, and treatment techniques in acupuncture and related studies;
2. 800 hours in clinical training; and
3. 360 hours in biomedical clinical sciences.

B. The Board shall approve an acupuncture clinical training program that does not meet the standard of R4-8-303(B)(1) only if the clinical training program owns and operates an acupuncture clinic, provides at least 75% of clinical instruction in its clinic, and provides direct patient contact in the following:

1. Supervised observation of the clinical practice of acupuncture with case presentations and discussions;
2. Application of Eastern and Western diagnostic procedures in evaluating patients; and
3. Clinical treatment of a patient with acupuncture.

C. To be approved by the Board, an acupuncture program shall comply with the 14 Essential Requirements and their attendant criteria in the "Accreditation Handbook", January 1998 Update, pages 9 through 41, published by the Accreditation Commission for Acupuncture and Oriental Medicine, 1010 Wayne Avenue, Suite 1270, Silver Spring, MD 20910, which is incorporated by reference and on file with the Board and the Secretary of State. This incorporation includes no later edition or amendment.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-305. Documentation Required for Approval

An acupuncture program or clinical training program seeking approval by the Board shall provide the Board with documents and other evidence requested by the Board to determine the nature and extent of the training offered, including catalogues, course description, curricula plans, and study bulletins.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-306. Denial or Revocation of Approval

A. The Board may deny approval to or revoke the approval of any acupuncture program or clinical training program for its failure to comply with the rules in this Chapter or A.R.S. Title 32, Chapter 39.

B. An acupuncture program or clinical training program that has approval denied may request a hearing in accordance with A.R.S. Title 41, Chapter 6, Article 10.

C. The Board shall conduct a hearing in accordance with A.R.S. Title 41, Chapter 6, Article 10, before revoking an acupuncture program or clinical training program approval.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-307. Acupuncture Program Monitoring; Records; Reporting

- A. Every approved acupuncture program shall submit to the Board, within 60 days after the close of the program's fiscal year, a letter attesting that the program continues to meet the standards of R4-8-303 and R4-8-304, and a course catalog that includes:
1. Course descriptions of the next years' proposed curriculum;
 2. The program faculty, administration, or governing body; and
 3. A description of the program facility.
- B. Representatives of the Board may conduct an onsite visit of an approved program to review and evaluate the status of the program. The approved program shall reimburse the Board for direct costs incurred in conducting this review and evaluation.
- C. All student records shall be maintained in English.
- D. Each approved program of acupuncture shall, within 30 days, report to the Board any failure to comply with R4-8-303 and R4-8-304.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-308. Approval of Continuing Education Course

- A. To be approved by the Board, a continuing education course shall:
1. Be related to the knowledge or technical skills required to practice acupuncture; or
 2. Be related to direct or indirect acupuncture patient care, including practice management or medical ethics; and
 3. Include a method by which the course participants evaluate:
 - a. The extent to which the course met its stated objectives,
 - b. The adequacy of the instructor's knowledge of the course subject,
 - c. The use of appropriate teaching methods, and
 - d. The applicability or usefulness of the course information.
- B. The Board shall approve for continuing education credit, without application, any course approved by a board of acupuncture licensing in another state, any course provided by the Continuing Education Council of NCCAOM or the National Alliance for Acupuncture and Oriental Medicine, and any course provided by a board-approved acupuncture training program.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-309. Application for Continuing Education Course Approval

- A. To obtain approval for a continuing education course, a course provider shall submit to the Board a request for course approval, in English, on a form provided by the Board, which includes the following information:
1. The provider's name, provider's identification number, address, telephone number, and contact person;
 2. Course title, date, location, and number of continuing education hours;
 3. Method of instruction;
 4. Educational objectives to be met and course outline; and
 5. Instructor information and qualifications.
- B. A provider shall obtain Board approval for every course that is offered for continuing education credit. If a previously

approved course is repeated, the provider shall apply to the Board for approval of each subsequent administration of the course.

- C. A provider shall submit a request for course approval to the Board at least 90 days before the course is offered.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-310. Denial or Revocation of Continuing Education Course Approval

- A. The Board may withdraw its approval of a continuing education course or deny approval for a continuing education course for causes that include, but are not limited to:
1. Failure to comply with any provision of these rules; and
 2. Any material misrepresentation of fact by a provider.
- B. The Board may withdraw its approval of a course following a hearing conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.
- C. A provider may appeal the denial of approval of a course by filing a written request for hearing in accordance with A.R.S. Title 41, Chapter 6, Article 10.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

ARTICLE 4. REGULATORY PROVISIONS**R4-8-401. Treatment of Patients by Acupuncture Students; Supervision**

For an acupuncture student to treat a patient, the student and the student's supervisor shall comply with the following:

1. Obtain written evidence of informed consent in writing from the patient before treatment by an acupuncture student, indicating that the patient knows a student will be treating the patient;
2. Have a supervisor physically present in the clinic during any treatment of the patient performed by an acupuncture student;
3. Consult each other before and after each treatment; and
4. Maintain records for each patient treated in accordance with R4-8-402.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-402. Recordkeeping

An acupuncturist shall maintain legible and accurate records on each patient who is given acupuncture treatment, including the name of the patient, dates of treatment, history, treatment given, and progress made during acupuncture treatments.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-403. Supervision of Auricular Acupuncturists

A licensed acupuncturist supervising an auricular acupuncture certificate holder shall be promptly available in person, by phone, or electronically during normal working hours, and shall meet onsite with certificate holders at least once a month to assess compliance with these laws and rules.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

ARTICLE 5. PUBLIC PARTICIPATION PROCEDURES**R4-8-501. Agency Record; Directory of Substantive Policy Statements**

The Board's official rulemaking record and directory of substantive policy statements is located in the Board's office and may be reviewed any week day, 8:00 a.m. until 5:00 p.m., except state holidays.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-502. Petition for Rulemaking; Review of Agency Practice or Substantive Policy Statement; Objection to Rule Based Upon Economic, Small Business, or Consumer Impact

A petition to adopt, amend, or repeal a rule or to review an existing agency practice or substantive policy statement that a petitioner alleges to constitute a rule under A.R.S. § 41-1033 or to object to a rule in accordance with A.R.S. § 41-1056.01 shall be filed with the Board as prescribed in this Section. Each petition shall contain:

1. The name and current address of the petitioner;
2. For the adoption of a new rule, the specific language of the proposed rule;
3. For the amendment of a current rule, the citation for the applicable Arizona Administrative Code number and rule title. The petition shall include the specific language of the current rule with any language to be deleted stricken through but legible, and any new language underlined;
4. For the repeal of a current rule, the citation for the applicable A.A.C. number and title of the rule proposed for repeal;
5. The reason a rule should be adopted, amended, or repealed, and if in reference to an existing rule, why the rule is inadequate, unreasonable, unduly burdensome, or otherwise not acceptable. The petitioner may provide additional supporting information, including:
 - a. Any statistical data or other justification, with clear reference to an attached exhibit;
 - b. An identification of what persons or segment of the public would be affected and how they would be affected; and
 - c. If the petitioner is a public agency, a summary of relevant issues raised in any public hearing, or as written comments offered by the public;
6. For a review of an existing Board practice or substantive policy statement alleged to constitute a rule, the reason the existing Board practice or substantive policy statement is believed to constitute a rule and the proposed action requested of the Board.
7. For an objection to a rule based upon the economic, small business, or consumer impact, evidence that:
 - a. The actual economic, small business, or consumer impact significantly exceeded the impact estimated in the economic, small business, and consumer impact statement submitted during the making of the rule; or
 - b. The actual economic, small business, or consumer impact was not estimated in the economic, small business, and consumer impact statement submitted during the making of the rule and that actual impact imposes a significant burden on persons subject to the rule.
8. The signature of the person submitting the petition.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-503. Public Comments

- A. On or before the date of the close of record, a person may comment upon a rule proposed by the Board by submitting written comments on the proposed rule or upon any other matter noticed for public comment by the Board in the Arizona Administrative Register.
- B. The Board considers a written comment submitted on the date it is received by the Board, except if a comment is mailed, the postmarked date is considered the date of receipt.
- C. The Board shall consider all written comments that conform with A.R.S. § 41-1023.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-504. Oral Proceedings

- A. A person requesting an oral proceeding, as prescribed in A.R.S. § 41-1023(C), shall:
 1. File the request with the Board;
 2. Include the name and current address of the person making the request; and
 3. Refer to the proposed rule and include, if known, the date and issue of the Arizona Administrative Register in which the notice of the proposed rule is published.
- B. The Board shall record an oral proceeding either electronically or stenographically, and shall make any cassette tape, transcript, register, and written comment received part of the official record.
- C. The presiding officer shall use the following guidelines to conduct an oral proceeding:
 1. Registration of attendees. Registration of attendees is voluntary;
 2. Registration of persons intending to speak. A person wishing to speak shall provide the person's name, representative capacity, if applicable, a notation of the person's position with regard to the proposed rule and the approximate length of time the person wishes to speak;
 3. Opening of the record. The presiding officer shall open the proceeding by identifying the rule to be considered and the location, date, time, and purpose of the proceeding, and by presenting the agenda;
 4. A statement by Board representative. A Board representative shall explain the background and general content of the proposed rule;
 5. A public oral comment period. Any person may speak at an oral proceeding. A person who speaks shall ensure that all comments address the rule being considered. The presiding officer may limit the time allotted to each speaker and preclude undue repetition; and
 6. Closing remarks. The presiding officer shall announce the location and last day for submitting written comments about the proposed rule.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-505. Petition for Delayed Effective Date

- A. A person wanting to delay the effective date of a rule under A.R.S. § 41-1032 shall file a petition with the Board. The petition shall contain:
 1. The name and current address of the person submitting the petition;
 2. Identification of the proposed rule;
 3. The need for the delay, specifying the undue hardship or other adverse impact that may result if the request for a delayed effective date is not granted, and the reasons why

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the public interest will not be harmed by the later date; and

4. The signature of the person submitting the petition.

- B.** The Board shall make a decision and notify the petitioner of the decision within 60 days of receipt of the petition.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

R4-8-506. Written Criticism of Rule

- A.** Any person may file a written criticism of an existing rule with the Board.

- B.** The criticism shall clearly identify the rule and specify why the existing rule is inadequate, unduly burdensome, unreasonable, or otherwise improper.

- C.** The Board shall acknowledge receipt of any criticism within 15 days and shall place the criticism in the official record for review by the Board under A.R.S. § 41-1056.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).